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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

## LOK SABHA

The following Bills were introduced in Lok Sabha on the 28th April, 1972.

### BILL NO. 29 OF 1972

*A Bill further to amend the Constitution of India*

BE it enacted by Parliament in the twenty-third Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, 1972. Short title.

2. In the Ninth Schedule to the Constitution, after entry 64, the following entries shall be added, namely:— Amendment of Ninth Schedule.

"(65) The Kerala Land Reforms (Amendment) Act, 1971 (Act 25 of 1971).

(66) The Kannan Devan Hills (Resumption of Lands) Act, 1971 (Act 5 of 1971).".

## STATEMENT OF OBJECTS AND REASONS

India can achieve a meaningful break through in social and economic sphere only by implementing radical land reforms and by putting an end to the age-old feudal land relations in India.

The Kerala Land Reforms (Amendment) Act, 1971 and the Kannan Devan Hills (Resumption of lands) Act, 1971 are the two important land legislations, based on which the Government of Kerala today is implementing the land reforms there.

Implementation of these Acts has already made considerable progress in (a) sanctioning purchase of homestead sites to several lakhs of landless poor who are hut dwellers (KUDIKIDAPPUKARS) (b) conferring property rights on cultivating tenants so as to make the tiller the owner of the soil he cultivates (c) taking over the surplus lands from those people who own land beyond ceiling to put an end to landlordism etc.

All these measures have helped to change the socio-economic life in the countryside of Kerala in a very significant manner.

Now the landlords and the other interested parties have already approached the Kerala High Court and the Supreme Court with number of petitions challenging the validity of these Acts. In the present context, there is a fair chance that Courts might give a verdict against these Acts.

If that happens, it would immediately create a terrible confusion among the people and conditions of anarchy which would break the law and order situation completely. It would turn the clock of social progress back in Kerala. The people and parties in Kerala are in favour of the implementation of these Acts and want that these Acts should be given Constitutional protection by including them in the Ninth Schedule to the Constitution.

This view has been officially communicated to the Centre by the Government of Kerala and the Centre also has agreed to it in principle.

As the Courts are likely to give their verdict any moment, now the need of the hour is to take immediate steps to include these Acts in the Ninth Schedule, before the Courts strike down provisions of these Acts.

Hence this Bill.

NEW DELHI; C. K. CHANDRAPPAN.

*The 21st March,* 1972.

BILL No. 28 OF 1972

*A Bill to provide for the utilization of land on both sides of railway track and other railway land for agricultural purposes.*

BE it enacted by Parliament in the Twenty-third Year of the Republic of India as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Utilization of Cultivable Railway Land Act, 1972.

(*2*) It shall come into force at once.

Utilization of land on both sides of railway track.

2. The land lying vacant on both sides of the railway track and other cultivable railway land in the whole of India shall be utilized for agricultural purposes:

Provided that ten yards of land on either side of the railway track shall be left vacant:

Provided further that railway land required for various activities connected with the railways, including provision for offices and amenities for the staff, shall also be left vacant.

Lease of land on both sides of railway track for agricultural purposes.

3. (*1*) The entire railway land, save ten yards of land on either side of the railway track, shall be given on lease for ten years in the first instance for agricultural purposes to the farmers owning adjoining such railway land according to the rules to be framed in this behalf.

(*2*) Subject to the provisions of section 2, the other cultivable railway land shall also be given on lease for agricultural purposes according to the rules to be made in this behalf.

(*3*) All such lessees shall pay to the railway administration lease money for the land given to them on lease, at the rates prescribed under the rules to be framed in this behalf by the railway administration.

Right of railway administration to utilize the land given on lease.

**4. The railway administration shall have a right to take earth from the land adjoining the railway track for repairing the railway track or bridges, etc. and shall be entitled to use the required minimum of such land till the completion of the work, and for such use the concerned lessee shall be granted due remission in the lease money or paid due compensation therefor.**

Right of railway administration to withdraw the land given on lease.

**5. Notwithstanding anything contained in the terms and conditions of the lease, the railway administration shall have the right to take back the minimum required land out of the land so leased to the farmers for the extension of railway track or railway bridge, etc. or for any other railway activity:**

**Provided that the railway administration shall pay to the concerned farmer for his standing crop or for any other loss sustained by him as a result of such withdrawal of the land given on lease, and the amount of such compensation shall be determined according to the general rules governing payment of compensation.**

Planting or felling of trees.

6. The lessee shall have to obtain prior permission from the railway administration for felling any tree standing in the land given on lease or for planting a tree there which shall be governed by the terms and conditions to be laid down in this behalf.

Framing of rules and setting up of machinery to regulate lease of land.

7. The railway administration shall frame appropriate rules and set up a suitable machinery to regulate the lease of railway land to the farmers, to lay down the terms and conditions of lease, to realise lease money and for all other matters connected therewith.

Drainage.

8. The railway administration shall provide minor drains along the ten yards of land left vacant under section 2 on both sides of the railway track for draining water, and earth required for carrying out minor repairs to the railway track shall be dug out from these drains in accordance with the rules to be laid down in this behalf:

Provided that the lessee shall have a right to draw water from these drains for irrigating the railway land given to him on lease.

**9.** All disputes relating to the land given on lease shall be referred for settlement to the nearest court of law. Settlement of disputes.

**10.** In case a farmer owning land adjoining the railway land refuses to accept the lease, it may be given to any other farmer owning land adjoining the land of the farmer so refusing the lease and the farmer refusing the lease shall have to provide a passage, if necessary, to the farmer accepting the lease. Lease of land to a farmer other than the adjoining land owner.

## STATEMENT OF OBJECTS AND REASONS

Large chunks of railway land, especially on either side of the railway track, are lying vacant in various parts of the country and they are not being put to any use. Moreover, people have encroached upon large areas of railway land.

In view of the growing population and food shortage, the bringing of this land under the plough will serve the national interest and it will also augment the railway revenue. Apart from this it will also help in checking the attempts of anti-national elements and fifth columnists to damage the railway track. It will also enable to some extent to check the likely damage to the track caused by flood waters.

Hence this Bill.

NEW DELHI; NARENDRA SINGH BISHT.

*The 20th March*, 1972.

## FINANCIAL MEMORANDUM

Clauses 4 and 5 of the Bill provide for payment of compensation to lessees in case the railway administration takes earth from, or uses for railway work or takes back for extension of railway track, etc. the land leased to farmers. Clause 8 of the Bill provides for drains on either side of the railway track.

The amount of recurring or non-recurring expenditure likely to be involved from the Consolidated Fund of India cannot be precisely estimated at present, but expenditure to the extent of Rs. 10 lakhs and Rs. 2 lakhs respectively might have to be incurred. However, the revenue collected as lease money would far offset the expenditure.

## MEMORANDUM REGARDING DELEGATED LEGISLATION

Clauses 3, 7 and 8 of the Bill empower the Government to frame rules to regulate the lease of cultivable railway land, to realise the lease money and to carry out other purposes of
power is of normal character.

S. L. SHAKDHER,
*Secretary.*

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